

UNITED STATES DISTRICT COURT
Northern District of California

KALAKE FONUA and KENNETH ASHTON
FONUA,

No. C 09-05983 MEJ

Plaintiff(s),

ORDER VACATING CMC

v.

**ORDER FOR PLAINTIFFS TO FILE
STATUS REPORT**

CITY OF SAN MATEO, et al.,

Defendant(s).

On March 15, 2010, the Court vacated the April 1, 2010 Case Management Conference and ordered Plaintiffs Kalake Fonua and Kenneth Ashton Fonua to file a status report by April 5, 2010, addressing what steps they have taken since filing their complaint to ensure that all named defendants have been served, and whether they intend to proceed with the prosecution of their case. The Court is now in receipt of the plaintiffs' statement, filed April 5, 2010. (Dkt. #4.) Based on Plaintiffs' statement, it is not clear that the defendants have been properly served. Specifically, under Federal Rule of Civil Procedure 4(c)(2), a person who is not a party must serve the summons and complaint. The proofs of service attached to Plaintiffs' statement are all signed by Plaintiff Kalake Fonua. Accordingly, there is no indication that the defendants have been properly served. Thus, the Court hereby ORDERS Plaintiffs to serve the defendants in accordance with Federal Rule of Civil Procedure 4 and Civil Local Rule 4. Plaintiffs shall complete service of process and file proofs of service by April 29, 2010. The Court encourages Plaintiffs to review the Pro Se Handbook, which provides useful information regarding service of process. The handbook may be obtained at the Clerk's Office or from the Court's website at www.cand.uscourts.gov.

IT IS SO ORDERED.

Dated: April 7, 2010



Maria-Elena James
Chief United States Magistrate Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

KALAKE FONUA et al,

Case Number: CV09-05983 MEJ

Plaintiff,

CERTIFICATE OF SERVICE

v.

SAN MATEO CITY OF et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 7, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Kalake Fonua
Kenneth Ashton Fonua
2555 Illinois Street
East Palo Alto, CA 94303

Dated: April 7, 2010

Richard W. Wieking, Clerk
By: Brenda Tolbert, Deputy Clerk